

1 authorization.

2 Q And why did you reach that conclusion?

3 A Because it -- it basically confirms that -- that
4 the STAs -- that the Time Warner petitions were holding up
5 our grant of STAs and that if we were relying upon STAs to
6 serve these sites that were being unserved, we either didn't
7 have them or couldn't get them.

8 Q And did you then when you looked at the list that
9 was appended to this memorandum, as you had with the other,
10 recognized certain sites that were being served?

11 A Yes, I did.

12 Q Even as you said in the absence of license or an
13 STA?

14 A Yes.

15 Q Now, on that Monday, if it was indeed that Monday,
16 when you received this memorandum, what further did you do
17 to pursue this issue?

18 A I set up a meeting or I believe it was Howard
19 Milstein set up a meeting. It was either Howard or Howard
20 and myself set up a meeting with Lloyd Constantine to
21 discuss -- first of all, I continued to dig into what was
22 going on with these licenses or lack of licenses in all
23 these sites with operations and Washington counsel to get to
24 the bottom of what was going on and started to create my own
25 effort to reconcile what operations had in their records and

1 what Washington counsel had in their records. So that was
2 already ongoing and I was digging into that.

3 The second thing I did was to participate at a
4 meeting with Howard Milstein and I believe Edward Milstein
5 was there, with Lloyd Constantine to, again, address the
6 issue of 1) how we should inform the FCC; when we should
7 inform the FCC; what we should be delivering to them in the
8 way of information we had; what type of information should
9 we be getting that we didn't have; and what procedure should
10 we be putting in place to assure this kind of thing didn't
11 happen again even during this interim period.

12 JUDGE SIPPEL: Can I be -- can I assume that this
13 date is May 1st we're talking about? Is that Monday, May
14 1st?

15 THE WITNESS: Yes, sir.

16 MR. SPITZER: That's correct, Your Honor, if I
17 count properly the number of days in April.

18 JUDGE SIPPEL: Do you have -- do you keep a desk
19 calendar or something that -- that confirms all these --
20 when you meet with people?

21 THE WITNESS: I keep a desk calendar that would
22 confirm when I have usually scheduled meetings with people
23 from outside the office. I generally don't have on that
24 desk calendar -- and I have checked with both my calendar
25 and my secretary's -- I generally don't nor does she keep

1 records of meetings inside because I might meet with Howard
2 or Edward six times a day. And we just walk into one
3 another's offices if we need something or want something.
4 We don't schedule meetings in a book with the secretary.

5 JUDGE SIPPEL: Well, no, I was thinking in terms
6 of, you know, where you would be meeting or talking with
7 people like outside counsel. I understand that you do talk
8 to them with a degree of frequency but --

9 THE WITNESS: Yes. So we --

10 JUDGE SIPPEL: But, again, my question is -- yes,
11 I think you've answered my question. You say you have
12 checked your personal diary or your calendar, rather, your
13 desk calendar. And there's not -- there's no information
14 reflected on there that --

15 THE WITNESS: Not on May 1st, no.

16 JUDGE SIPPEL: Not on May 1st.

17 THE WITNESS: No, not on May 1st.

18 JUDGE SIPPEL: How about on April the 26th, 27th,
19 28th?

20 THE WITNESS: During that period, I have a record
21 of a conference call on the afternoon of the 27th, although
22 I think it was another conference call because it was with
23 our legislative counsel in Washington and it had to tie into
24 another person who wasn't in on that meeting. I don't have
25 a specific record of a meeting with the -- specific record

1 of the conference call that we're referring to on that
2 afternoon. So I can't pick the time exactly.

3 JUDGE SIPPEL: All right.

4 THE WITNESS: Generally with -- with either
5 meetings with our lawyers or with our employees, we're just
6 a small company and we -- we aren't so structured that we
7 need to send memoranda around to set up meetings. If it's
8 with outside people, you know, that we normally don't deal
9 with, then there will usually be scheduled meetings and
10 appointments.

11 JUDGE SIPPEL: But my question was whether or not
12 it was a shorthand type of desk calendar. I wasn't
13 suggesting memos. But certainly -- I think we have all the
14 memos. We have all the memos.

15 MR. SPITZER: Yes, Your Honor.

16 THE WITNESS: No, I checked it as recently as
17 yesterday.

18 JUDGE SIPPEL: Did you have something?

19 MR. HOLT: Well, I did want to observe for the
20 record that we have received no documents during production
21 that I'm aware of that reflect that they came from a meeting
22 planner or scheduler. We've received nothing of that
23 nature. And if something -- if Mr. Price maintains a day-
24 planner that reflects scheduled meetings relevant to this
25 proceeding, I certainly would ask that we be provided with

1 copies of those.

2 JUDGE SIPPEL: Well, I'll ask -- at least in this
3 time period, I'm going to just ask counsel to just simply
4 take a look at his desk calendar and see that there's
5 nothing there. But I don't think that there is from what
6 he's telling me.

7 MR. SPITZER: Well, that is an appropriate
8 conclusion, Your Honor. Well, I could say one or two things
9 but not in the presence of the Witness. It doesn't
10 contradict, but there's no reason to do it in front of the
11 Witness.

12 JUDGE SIPPEL: No. It's all right.

13 MR. SPITZER: So I will hold my breath on that.

14 BY MR. SPITZER:

15 Q Mr. Price, I'd ask you to look, if you would
16 please, at Time Warner Exhibit -- Time Warner/Cablevision
17 Exhibit 18 which is also in the thick binder.

18 A Yes, I have it.

19 Q Is this something that is denominated a surreply?
20 And if you look at the second to last page of this exhibit,
21 did you in fact sign the declaration attesting to the
22 truthfulness of the statements --

23 A Yes, I did.

24 Q -- in the surreply?

25 A Yes, I did.

1 Q And that is your signature?

2 A Yes, it is.

3 Q And the date on which you signed this document?

4 A May 17, '95.

5 Q And if you could turn back one page, who signed
6 the text of the document itself?

7 A Howard Barr of Pepper & Corazzini.

8 Q And if you would, please take a moment just to
9 look through the text of the surreply. Was this in fact the
10 complete disclosure to the FCC that you referred to earlier
11 that you intended to make?

12 A Yes.

13 Q And at the time that you submitted -- or that this
14 document was submitted to the FCC on behalf of Liberty
15 Cable, was this an accurate statement of the scope of the
16 premature service that you were aware of?

17 A Yes.

18 Q Were there subsequently discovered an additional
19 four buildings where there had been premature service?

20 A That's correct. I believe we discovered them a
21 few weeks later.

22 Q I'd also ask you to look if you would please at
23 Liberty Exhibit 3.

24 A Is that in the same book?

25 JUDGE SIPPEL: No, this is going to be --

1 MR. SPITZER: No, I'm sorry. The thin volume.

2 THE WITNESS: Yes.

3 BY MR. SPITZER:

4 Q And what is the date of this letter?

5 A June 16, '95.

6 Q All right. So this post-dates the surreply by
7 about a month. Could you just take a moment to read this,
8 please?

9 JUDGE SIPPEL: Off the record.

10 (Off the record.)

11 JUDGE SIPPEL: Okay. We're back on the record.

12 BY MR. SPITZER:

13 Q Thank you, sir. Now, I'd just direct your
14 attention to the concluding two sentences of the second
15 paragraph on the first page. It's really the first large
16 paragraph where it begins, "The unauthorized service to
17 these buildings."

18 A Yes.

19 JUDGE SIPPEL: Is this on your -- I'm sorry, is
20 this on your Liberty Number 3?

21 MR. SPITZER: That's correct, sir. Yes, Your
22 Honor.

23 BY MR. SPITZER:

24 Q Could you --

25 THE WITNESS: The first page, Your Honor.

1 MR. SPITZER: Yes. The first page, the first
2 large paragraph. In the middle, there's a sentence that
3 begins, "The unauthorized service to these buildings
4 regretfully occurred because of unintended errors in
5 Liberty's administrative procedures for which I take full
6 responsibility and which have been disclosed and explained
7 at some length in previous filings with the Commission."
8 And then it continues.

9 BY MR. SPITZER:

10 Q And then you refer to steps that have been
11 implemented to assure that these errors will not occur.
12 Could you describe for the Court the procedures that you
13 began to implement to correct the problems that had led to
14 the premature service?

15 A We discussed with the Constantine firm the
16 drafting of a -- of a set of written procedures that would
17 ensure that no one at Liberty could turn on service to any
18 building unless the whole process went through a very
19 defined step-by-step procedure supervised by an independent
20 compliance officer who was not directly involved in either
21 the construction or the marketing or the operation of the
22 sites.

23 And the -- the procedure -- the compliance
24 procedure we developed required that when the marketing
25 department came up with a prospect, that they were rather

1 than to deal before with the operations department without
2 outside any process, that they were to inform the compliance
3 officer that they had a request for service from a
4 particular building at a particular address and list all the
5 specifics; and were to request that an engineering survey be
6 conducted.

7 And the -- only with the approval of the
8 compliance officer could the engineering department be
9 authorized to make a line of site survey to determine that
10 service could be provided to that building. So there was a
11 written trail. And then that compliance officer would
12 authorize the engineering department to engage in a path
13 coordination study to ensure that the path was available.

14 And only upon confirmation back to the compliance
15 officer would the path coordination study be released to
16 Washington counsel and operations and marketing to prepare
17 for the FCC an application for a license, be it a permanent
18 license or standard temporary -- special temporary authority
19 if a license was not available.

20 And the -- that application would be returned to
21 the compliance officer to make sure it was in proper form
22 for submission to the FCC, and then be submitted to me by
23 the compliance officer for my signature and submission to
24 the Commission usually through -- I believe through the
25 regulatory counsel in Washington; and that no license issued

1 by the FCC be activated until the compliance officer
2 authorized engineering to activate that site.

3 And only -- that would only be done with a
4 document from the FCC authorized by the compliance officer.
5 And that is the procedure we operate with today, as well as
6 noting in the operations report, which we did not before,
7 not just whether a site had been contracted and a site had
8 been installed, i.e., constructed; but whether a license for
9 that site had or had not been granted.

10 Q And by the operations report, you're referring to
11 the weekly progress reports that are distributed at the
12 Thursday meetings?

13 A That's correct.

14 Q If you could turn to Time Warner Exhibit Number
15 15. Again, it is in the latter volume.

16 A Yes.

17 Q The progress report you're referring to is one
18 such as that embodied by Exhibit 15?

19 A That's correct.

20 Q And so what has been added to this document is a
21 column which fits where physically on this page?

22 A To the right-hand of "Status" which would indicate
23 license. I don't think it's in this report right here. But
24 a column has been added to the right-hand of the status of
25 the site to indicate the status of the license: granted,

1 pending, no license, whatever the status may be.

2 JUDGE SIPPEL: Does that identify, too, pending
3 STAs?

4 THE WITNESS: That's correct, sir.

5 JUDGE SIPPEL: Look, you outlined, in response to
6 Mr. Spitzer's question, the steps taken in your compliance -
7 - with your compliance measures -- and I -- you -- it was
8 quite a detailed response to that question. What did you do
9 -- what was done for compliance before that?

10 THE WITNESS: For compliance before then, we
11 relied upon the interaction between the engineering
12 department and Washington counsel to ensure that the steps
13 were taken. And --

14 JUDGE SIPPEL: Was there any executive oversight
15 of that?

16 THE WITNESS: No, there was no executive oversight
17 in the sense that I got directly involved. It was my
18 reliance upon the procedure that I had requested to be
19 implemented and my conversations after that with counsel and
20 with operations people that they were following and closely
21 coordinating with counsel and getting the licenses required.
22 But I did not get directly involved.

23 JUDGE SIPPEL: Is the only -- is it the only
24 written document that memorialized the compliance, the first
25 compliance procedure that was initiated under you? Is that

1 all contained in Liberty Exhibit Number 2?

2 THE WITNESS: Yes, sir. It is.

3 JUDGE SIPPEL: That's the document?

4 THE WITNESS: That's correct.

5 JUDGE SIPPEL: Okay. I understand it.

6 MR. SPITZER: Okay. We interpreted it that way,
7 Your Honor.

8 JUDGE SIPPEL: Thank you.

9 BY MR. SPITZER:

10 Q In the midst of your conversations with counsel,
11 was any consideration ever given to not disclosing this
12 problem to the FCC?

13 A Never.

14 Q Was it considered possible or plausible that Time
15 Warner would not figure out that there was premature
16 service?

17 A No, we -- Time Warner in fact scrutinized us by
18 site by day. Their trucks were always parked outside
19 buildings we were installing either because they were
20 observing what we were doing which they did on many
21 occasions just to see our procedures and there's no law
22 against that; or because they were disconnecting customers
23 of theirs as we were connecting our customers.

24 So Time Warner was present at every one of our
25 installations while we were installing, during the course of

1 the installation and even as we were later hooking up
2 individual customers because it was required by Time Warner
3 to have those cable boxes returned. And Time Warner made
4 quite a to-do about what the Department of Information
5 Technologies developed as a "protocol" to -- to govern the
6 return of Time Warner equipment which they complained was
7 getting lost or stolen.

8 So we were being not only scrutinized by several
9 public agencies, but closely scrutinized by our competitor.
10 So we assumed they would be keenly aware of everything we
11 were doing. And if we were doing something wrong and hid
12 it, we certainly wouldn't hide it from them for long.

13 Q Did you in fact advertise the fact that particular
14 buildings were being serviced by Liberty Cable?

15 A Every day. In today's New York Times, you'll see
16 an ad on page 1 indicating that we've liberated another
17 building by -- by the address of the building. And in fact
18 I -- yesterday having familiarized myself with some of these
19 memoranda and specifically addressing the Judge's concern
20 that we focus on what was going on; when we learned and what
21 we did, I looked at that week. And that same week, we were
22 advertising at least one of those buildings on the HDO
23 designation list on the front page of the New York Times.

24 So we certainly lacked oversight and had lousy
25 procedures, if not, you know, terribly flawed procedures in

1 place. But there was absolutely no intent to hide what we
2 were doing. In fact, we advertised what we were doing.

3 Q You didn't advertise the fact that you were
4 servicing in an unauthorized way.

5 A No.

6 Q Just advertised the fact that you were servicing
7 it.

8 A Had I known we were operating in an unauthorized
9 way, I think the last thing I would have done is advertised
10 it. The first thing I would have done is stop it. And it
11 would have saved us a lot of time and money and humiliation.

12 Q Were you individually sanctioned by the owners of
13 Liberty Cable as a result of this entire set of
14 circumstances?

15 A Yes, I was. Howard Milstein chewed me up and down
16 and denied me some bonuses that I thought I was normally
17 entitled to or would be entitled to that year and, you know,
18 advised me that I had a real problem and that I had best get
19 the company's business together shortly or, you know, he
20 would reconsider, you know, my role in the company.

21 Q Were there any sanctions that were imposed upon
22 others at Liberty Cable?

23 A Yes. The people immediately involved in this like
24 Tony Ontiveros and Behrooz Nourain. They were also denied
25 bonuses and there was serious consideration given to

1 terminating their employment. And that was actively
2 discussed.

3 Q Mr. Price, do you recall that you were deposed
4 once, twice, three times, I'm not quite sure, in this
5 proceeding, is that correct?

6 A That's correct.

7 Q And you were asked questions about the date upon
8 which you recalled discovering premature service, is that
9 correct?

10 A That's correct.

11 Q And at the time of those depositions, you gave
12 answers that are not precisely what you answered here today,
13 is that correct?

14 A That's correct.

15 Q Could you explain why, please?

16 A At the proceeding today, I was specifically -- at
17 least as I read the Judge's instructions -- asked to focus
18 on exactly when we discovered the service -- premature
19 service was occurring and what we did in response to it. My
20 -- at the earlier depositions, the focus -- at least I
21 gathered the focus was more on how did this all come about
22 and where did it end up in terms of, you know, how was it
23 resolved; what did you do about it, not on the interim step
24 of when did you find out and what happened at that very
25 moment.

1 When I was first asked about when we first learned
2 that, you know, we may have a problem or -- or -- or
3 licenses were in jeopardy, my first instinct was to note the
4 Time Warner petition to deny which I believe was the first
5 direct attack of, you know, any magnitude on our licenses.
6 And that I recall came at the beginning of January and Time
7 Warner -- '95 when Time Warner was saying that we were a --
8 providing unlawful cable -- we were an unlawful cable
9 operator and, therefore, if we were an unlawful cable
10 operator, we shouldn't be allowed to operate with FCC
11 licenses. So that was the first moment of time I attach to.

12 As I read some of the documents during the
13 deposition, it became clearer to me that -- or at least the
14 back and forth in refreshing my memory during that period
15 led me to believe it was probably later in the spring that
16 what I had first remembered was the Time Warner reference to
17 our licenses. But that was really part of the hardwire
18 proceeding, the cable franchise or lack of cable franchise
19 proceeding.

20 I then connected to the second Time Warner
21 eruption which I believe was in May, which was one of the
22 more visible landmarks, where Time Warner said here are
23 examples of unlawful service that you're providing. In this
24 preparation, I saw some documents including that May 28th
25 memo which I didn't recall -- the April 28th memo -- which

1 defined precisely that it was slightly before Time Warner
2 challenged our licenses that we ourselves had found out
3 about it.

4 Q And do you recall when --

5 JUDGE SIPPEL: All that's in response to what the
6 question as to why he's more specific today than he was
7 then?

8 MR. SPITZER: Yes, Your Honor.

9 JUDGE SIPPEL: That was a good question.

10 MR. SPITZER: Well, I defer to you for that
11 judgement.

12 JUDGE SIPPEL: All right. Go ahead.

13 MR. SPITZER: I have nothing further.

14 JUDGE SIPPEL: It's -- it is now 2:45. The
15 Witness has been on the stand since 1:15. I think this
16 would be a good time to take a break. Let's come back --
17 well, let's come back at 3:00.

18 (Whereupon, a brief recess was taken.)

19 JUDGE SIPPEL: We're on the record. Are you
20 tendering the Witness now for cross examination?

21 MR. SPITZER: Yes, Your Honor. Just as a
22 preliminary matter, there was a question of scheduling that
23 I guess collectively we were going to raise with Your Honor.
24 I don't know if you wish to handle that now or at the close
25 of the day. The issue was whether we would continue after

1 next Tuesday through the remainder of the week.

2 There was some sense I know on my behalf and I
3 think I speak for Bruce, as well, that the remainder of next
4 week -- and I think maybe Joe, although I'm not sure it's
5 quite as important to him -- the remainder of next week is
6 really problematic. And so there was some thought that if
7 we could continue next Tuesday and then, subsequent to that,
8 the following Monday, and then through as necessary. But
9 this is, again, at Your Honor's at discretion of course.

10 JUDGE SIPPEL: Well, you have -- you have -- you
11 have conflicts.

12 MR. SPITZER: Yes, Your Honor.

13 MR. BECKNER: Yes. I mean, Your Honor, I've got
14 briefs in two courts of appeals that I'm already scrambling
15 around to try get, you know, a little continuance on. One's
16 due tomorrow. One's due Tuesday. Obviously, that's going
17 to be difficult. But I'm kind of trying to see if I can get
18 next week to try to finish those two up.

19 JUDGE SIPPEL: Well, it's -- no, I -- you know, I
20 don't like to -- I really don't -- you know, when you have -
21 - particularly when you're -- a hearing is focused as this
22 one is, I just don't like to do that. But on the other
23 hand, it's not that we -- I mean, you know, we can
24 accommodate. I can accommodate. We're going to come back
25 on the 21st. And -- let me see. Well, we've got a lot of

1 pleadings -- oh, yes, it says a round of pleadings. But
2 other than that, sure, I can work that in. I can work that
3 in.

4 MR. BECKNER: We would also owe you some things I
5 think -- or at least our side owes you some things on
6 Tuesday morning: you know, the results of our review of the
7 documents that we got this Monday, for example. So I've got
8 that to do this weekend in addition, you know, finishing up
9 these briefs.

10 JUDGE SIPPEL: Well, let me get this straight. I
11 don't want to keep the Witness waiting here too long on this
12 one because, you know -- we will come back on Tuesday the
13 21st and start here at 9:30.

14 MR. BECKNER: Right.

15 JUDGE SIPPEL: And we've already worked -- we've
16 scoped out what's going to get done.

17 MR. BECKNER: Yes.

18 JUDGE SIPPEL: And then you say that -- what about
19 Wednesday? Wednesday is no good?

20 MR. SPITZER: Well, from my perspective, Your
21 Honor, I have obligations that are really etched in stone
22 Wednesday, Thursday, Friday.

23 JUDGE SIPPEL: All right. So then we would come
24 back then on the 27th.

25 MR. BECKNER: That's the following Monday.

1 JUDGE SIPPEL: The following Monday.

2 MR. BECKNER: Sure.

3 JUDGE SIPPEL: And then finish up that week?

4 MR. BECKNER: Yes.

5 MR. SPITZER: That's correct, Your Honor.

6 JUDGE SIPPEL: Go ahead, Mr. Holt.

7 MR. HOLT: I have to say, I mean, I have a
8 conflict beginning Wednesday evening. This was never
9 confirmed with -- I mean, I was never consulted about the
10 possibility of changing this. But I have a conflict that's
11 etched in stone. I'm not going to be town.

12 MR. SPITZER: As of --

13 MR. HOLT: It's another client matter as of
14 Wednesday evening, the 29th. So if --

15 JUDGE SIPPEL: As of Wednesday evening, the 29th?

16 MR. HOLT: Yes. I'm going to be catching a flight
17 out that evening and will be gone all day Thursday. I'll be
18 back on Friday.

19 JUDGE SIPPEL: Well, you've got -- I mean, your
20 interests are to a great extent being represented by Mr.
21 Beckner. Somebody else from your firm stood in on the
22 deposition of this Witness.

23 MR. HOLT: Right, right.

24 JUDGE SIPPEL: Not that this Witness I expect is
25 going to be here for three days.

1 MR. BECKNER: What are you talking about?

2 JUDGE SIPPEL: But I -- I'm now going to just --
3 I'm going to ask you to -- you know, to -- to work out your
4 schedules so that -- I mean, I don't want to get this broken
5 up beyond what we're talking about here. I am willing to
6 start on the 27th.

7 THE WITNESS: Is the 21st the first day, Your
8 Honor, or is the 27th the first day we're --

9 JUDGE SIPPEL: The 21st. We're definitely coming
10 back on the 21st.

11 THE WITNESS: Okay.

12 JUDGE SIPPEL: And -- well, there's nothing more I
13 can say right now. That's all I can say right now. I mean,
14 I don't know -- we're going -- we're going to complete the
15 21st and we're going to break until the 27th. And I know
16 Mr. Begleiter isn't here. But I know Mr. Begleiter has
17 pressing matters, too.

18 MR. SPITZER: Well, that is part of our concern,
19 Your Honor. If Diane, his wife, does give birth next
20 Tuesday or Wednesday, then obviously -- the past date might
21 suggest the 27th is better.

22 JUDGE SIPPEL: Well, let's -- let's plan this for
23 the 27th. I told you -- I said the 21st and the 27th. And,
24 Mr. Holt, I'm going to ask you to work out whatever needs to
25 be worked out at your end.

1 MR. HOLT: I'll do my best, Your Honor.

2 JUDGE SIPPEL: And we'll just -- you know, you'll
3 have to inform me as to what's happening on the 21st beyond
4 that.

5 MR. HOLT: I'll do that.

6 JUDGE SIPPEL: All right. Because there's so much
7 work to do, that we're spending a lot of time on this -- I
8 mean, on all of the scheduling and rescheduling and taking
9 the time of the Witness up to talk about it. But we are
10 going to break at no later than 4:45 today. Will that be
11 all right?

12 MR. WEBER: That would be fine, Your Honor. Thank
13 you.

14 JUDGE SIPPEL: All right. We're all set?

15 MR. SPITZER: Yes, Your Honor. Thank you.

16 JUDGE SIPPEL: Is he tendered -- your Witness
17 tendered now?

18 MR. SPITZER: Indeed he is, Your Honor. Yes.

19 JUDGE SIPPEL: All right. I just have one
20 question. This is not going -- I hope this isn't going to
21 take too long. But I -- I noticed that in the New York
22 Times -- you mentioned in this your testimony -- about these
23 advertisements on the first page.

24 THE WITNESS: Yes, sir.

25 JUDGE SIPPEL: And this is one that's quite

1 recent. I think it was yesterday or the day before. It
2 says that -- that to call Liberty Cable and it gives a
3 telephone number.

4 THE WITNESS: Yes, sir.

5 JUDGE SIPPEL: And you are -- you've testified --
6 in the introduction, you identified yourself as being with
7 Bartholdi.

8 THE WITNESS: That's correct, sir.

9 JUDGE SIPPEL: All right. Now, could you just
10 explain to me does Liberty have anything to do with you
11 anymore?

12 THE WITNESS: Yes, it does, sir. We went in the
13 sale of the assets of Liberty. One of the agreements that
14 was made was that a marketing company would be formed
15 consisting marketing and sales people and myself from the
16 old Liberty. And because of our ability -- our track record
17 of being able to sign up buildings in New York and get
18 subscribers that we would be the authorized marketing agent
19 for the successor company.

20 So this entity which is called LVE, a limited
21 liability company, still has Jennifer Walden and the
22 marketing people of the old Liberty. And I run that
23 marketing agency, as you will. And we sign buildings to
24 contracts. And we sign as LDE, LLC as agent for Liberty
25 Cable. So they still use that trade name to sign up

1 customers. And we are a marketing agent for them. So we
2 are still liberating people from the cable monopoly on their
3 behalf as an agent rather than as a principal.

4 JUDGE SIPPEL: So you're -- you're an agent for
5 Liberty Cable.

6 THE WITNESS: That's correct, sir.

7 JUDGE SIPPEL: And what about the -- the -- but
8 the control, as I understood, that asset agreement for
9 licenses for the frequencies are still under the control of
10 you --

11 THE WITNESS: Bartholdi.

12 JUDGE SIPPEL: -- you being, Bartholdi.

13 THE WITNESS: Yes, that's correct. That Bartholdi
14 -- the assets that Bartholdi manages and the licenses that
15 are in the Bartholdi company, LVE is a separate limited
16 liability marketing agency set up to do marketing. It has
17 nothing to do with microwave licenses or maintaining a
18 transmission network.

19 JUDGE SIPPEL: Who's going to start cross
20 examination? Mr. Beckner?

21 CROSS EXAMINATION

22 BY MR. BECKNER:

23 Q Good afternoon, Mr. Price. I think we've met
24 three times before in various depositions in this case.

25 A We have, sir.

1 Q I represent Time Warner Cable as you know. At the
2 conclusion of your direct testimony, Mr. Spitzer asked you a
3 couple of questions -- I guess one question and a very long
4 answer that followed -- regarding your prior deposition
5 testimony. And there -- there are some details of that --
6 that I'd like to explore with you. And so I'd like just to
7 read in the record the -- the prior testimony and ask you
8 about it.

9 A Yes, sir.

10 MR. BECKNER: This is from the deposition of Mr.
11 Price that was taken on May 28th, 1996 which is at Tab 9 in
12 the exhibit book, the thinner exhibit book. It's a
13 Liberty/Bureau exhibit.

14 JUDGE SIPPEL: Yes, fine. Let me have that
15 document back. Thank you.

16 MR. BECKNER: And this is beginning at page 93 at
17 line 15.

18 JUDGE SIPPEL: What exhibit is this now?

19 MR. BECKNER: This is Liberty/Bureau Exhibit 9,
20 Your Honor.

21 JUDGE SIPPEL: Thank you.

22 MR. BECKNER: This is the transcript. I'll wait a
23 second until you have it.

24 THE WITNESS: "Now did there come a time"?

25 MR. BECKNER: Yes, sir.